

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

THOMAS CLARY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

HON. JEROME B. SIMANDLE

Civil No. 10-4853 (JBS)

Criminal No. 00-04 (JBS)

ORDER

This matter having come before the Court upon the motion of Thomas Clary to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255; the Court having reviewed movant's submissions in support; for the reasons stated in the Memorandum Opinion of today's date; and for good cause shown;

IT IS this 28th day of **April, 2010** hereby

ORDERED that the Petitioner's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is **DENIED** as untimely; and it is further

ORDERED that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that no certificate of appealability shall issue.

s/ Jerome B. Simandle

JEROME B. SIMANDLE

United States District Judge